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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,736	12/16/2004	Antonius Maria Petru Johannes Hendriks	NL02 0528 US	1311
65913	7590	11/20/2007		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER SCHILLINGER, LAURA M	
			ART UNIT 2813	PAPER NUMBER
			NOTIFICATION DATE 11/20/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

## Office Action Summary

Application No.

10/518,736

Applicant(s)

HENDRIKS ET AL.

Examiner

Laura M. Schillinger

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen ('129).

Chen teaches the following claimed limitations as cited below:

1. (Previously Presented) Method for manufacturing on a substrate a semiconductor device with a floating-gate and a control-gate, comprising the steps of:

first forming isolation zones in the substrate (Fig.7 (22)),

thereafter forming a floating gate on the substrate between two isolation zones (Fig. 7 (25)),

thereafter extending the floating gate using conductive spacers (Fig. 7 (24)), and

thereafter forming a control gate over the floating gate and the conductive spacers (Fig.8 (30)).

2. (Previously Presented) Method according to claim 1, wherein the step of forming the floating gate comprises:

providing the floating gate on the substrate, the floating gate having two opposite walls located above the isolation zones (Fig.2 (12)),

forming a recess in the isolation zones under the opposite walls of the floating gate (Fig.2 (21)).

3. (Previously Presented) Method according to claim 2, wherein the step of providing the floating gate, comprises:

depositing a floating gate layer (Fig.2 (12),

forming slits in the floating gate layer, thus forming the opposite walls of the floating gate (Fig.2 (21)).

4. (Original) Method according to claim 2, wherein the step of extending the floating gate comprises

depositing a conductive layer on the opposite walls of the floating gate and on the walls of the recess in the isolation zones (Fig.6 (23)).

5. (Original) Method according to claim 4, wherein the step of depositing a conductive layer on the opposite walls of the floating gate and on the walls of the recesses in the isolation zones comprises depositing a conductive layer over the floating gate and in the recesses in the isolation zones (Fig.6 (23)),  
etching the conductive layer (Fig.7).

6. (Original) Method according to claim 1, further comprising a step of forming a dielectric layer on the floating gate and on the conductive spacers before forming the control gate.(Fig.8 (26))

9. (Original) Method according to claim 2, wherein a recess in an isolation zone is formed by etching (Fig.2 (21)).

10. (Original) Method according to claim 1, comprising the step of providing a tunnel oxide between the semiconductor substrate and the floating gate (Fig.1 (11)).

11. (Previously Presented) Method according to claim 1, wherein the step of forming the control gate comprises: depositing a control gate layer (Fig.8 (30), and patterning the control gate layer to form the control gate (Col.6 ,lines: 5-10).

12. (Original) Method according to claim 1, wherein the conductive spacers are polysilicon spacers ( Col.5, lines 55-56).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen ('129).

Chen teaches to isolate the substrate using a FOX region however fails to teach the limitations of claims 7 and 8 as repeated below:

7. (Original) Method according to claim 1, wherein the isolation zones are shallow trench isolation (STI) zones.

8. (Original) Method according to claim 1, wherein the isolation zones are LOCOS regions.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen's teachings to use STI or LOCOS as a different means of isolation since such isolation techniques are well known to one of ordinary skill and considered to be conventional substitutions.

### ***Response to Arguments***

Applicant's arguments filed 8/29/07 have been fully considered but they are not persuasive. Applicant argues that Chen teaches forming the floating gate prior to forming the FOX region- this is incorrect- as described and shown in the figures- Chen teaches that layer 22 is formed prior to layer 25- that is the FOX region is fabricated prior to completing the floating gate structure. Moreover, Applicant disputes the Examiner's determination that it would be obvious to one of ordinary skill in art to substitute a FOX, STI and LOCOS- the terms field oxide STI and LOCOS appear in the same sentence in 753 prior art references- Applicant may refer to US 5621681 as an example teaching of substituting FOX, STI or LOCOS.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

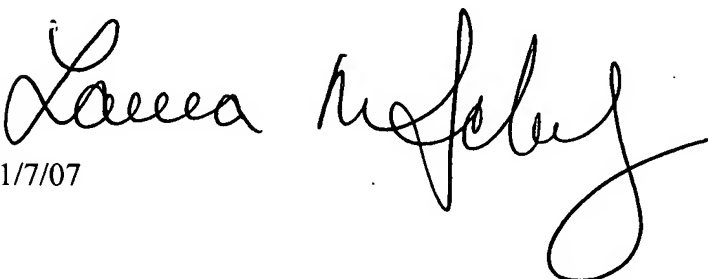
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Schillinger whose telephone number is (571) 272-1697. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
11/7/07

Laura M Schillinger  
Primary Examiner  
Art Unit 2813